



PTO/SB/21 (08-03)

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/591,185
		Filing Date	June 8, 2000
		First Named Inventor	Ronald M. Cook
		Art Unit	1635
		Examiner Name	Epps Ford, Janet L.
Total Number of Pages in This Submission	19	Attorney Docket Number	061873-5002US

ENCLOSURES (Check all that apply)		
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Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 50-0310.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Morgan, Lewis & Bockius LLP Elizabeth R. Sampson Reg. No. 52,190	
Signature		
Date	August 12, 2005	

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Signature		Date	August 12, 2005

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On August 12, 2005  
MORGAN, LEWIS and BOCKIUS LLP  
By: Kathryn A. Degliant



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Ronald M. Cook

Application No.: 09/591,185

Filed: June 8, 2000

For: FLOURESCENCE ENERGY  
TRANSFER PROBES WITH  
STABILIZED CONFORMATIONS

Customer No.: 43850

Confirmation No.: 2668

Examiner: Janet L. Epps-Ford

Technology Center/Art Unit: 1635

AMENDMENT AND RESPONSE TO  
NON-FINAL OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Madam:

Applicant kindly thanks the Examiner for the telephone interview conducted with the Applicant's representative, Elizabeth Sampson, on July 29, 2005. During the interview Applicant's representative discussed with the Examiner the Office action of May 16, 2005. In particular, the discussion concerned the Examiner's reinstatement of the written description/new matter rejection of claims 32-49 under 35 U.S.C. 112, first paragraph, which was first issued in the Office action of October 15, 2003.

In the Office action of October 15, 2003, the Examiner rejected the claims as allegedly failing to comply with the written description requirement. The Examiner's main concerns were that she could not find support in the specification for a linker moiety which links

the non-nucleic acid stabilizing moiety to the molecular energy transfer donor and/or the molecular energy transfer acceptor; that she could not find support in the specification for stabilizing moieties other than the specific CHOL moiety recited in claim 50; and that she could not find the limits on what non-nucleic acid stabilizing groups are fairly encompassed by the claims.

To clarify the Examiner's understanding of the specification, the Applicant's representative pointed out for the Examiner where in the specification she could find support for the inclusion of linker moieties in the probe structure, and where she could find support for non-nucleic acid stabilizing moieties other than CHOL. Applicant's representative also pointed out where in the specification the Examiner could find a recitation of the limits that define exactly what constitutes a stabilizing moiety suitable for the practice of the invention.

The Examiner said that she could see the Applicant's point. Although she made no promises, the Examiner asked the Applicant's representative if she would be willing to make the same points in writing, for the record. Applicant's representative agreed. Therefore, in response to the Office Action mailed May 16, 2005, please enter the following amendments and remarks:

**Listing of the Claims** begin on page 3 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.